

REMARKS

Reconsideration of the application is requested.

Claims 1-16 are now in the application and are subject to examination. Claims 1, 6, 7, 8, and 9 have been amended. Claims 10-16 have been added.

Under the heading “Informalities or Claims Objection” on page 2 of the above-identified Office Action, the Examiner objected to the claims because of three (3) informalities. The Examiner’s suggested corrections are appreciated and have been made.

Under the heading “Claim Rejections – 35 USC § 112” on page 3 of the above-identified Office Action, claims 7 and 9 have been rejected as being indefinite under 35 U.S.C. § 112, second paragraph.

More specifically, the Examiner states that “said nodes” has insufficient antecedent basis, “nodes has been one of disconnected and connected” is vague and indefinite, and “the original faulty node” has insufficient antecedent basis.

The term “said nodes” has been changed to “said disconnectable nodes” in claims 6 and 7, and to “the disconnectable nodes” in claim 9.

The portions of claim 9 that were referenced by the Examiner have been amended to read:

connecting the additional node by the monitoring apparatus after one of the at least two disconnectable nodes has been disconnected or connected;

producing said fault state in the disconnectable nodes while holding the disconnectable nodes in the data ring; and

removing said one of the at least two disconnectable nodes from the data ring, if said one disconnectable node has been disconnected, or adding said one disconnectable node to the data ring, if said one disconnectable node has been connected.

Applicants believe that support for the changes to the claims is inherent within the claims as originally presented.

It is accordingly believed that the claims meet the requirements of 35 U.S.C. § 112, second paragraph. The above-noted changes to the claims are provided solely for clarification or cosmetic reasons. The changes are neither provided for overcoming the prior art nor do they narrow the scope of the claim for any reason related to the statutory requirements for a patent.

Under the heading “Claim Rejections – 35 USC § 103” on page 4 of the above-identified Office Action, claims 1-3 and 5-7 have been rejected as being obvious over U.S. Patent No. 5,508,998 to Sha et al. in view of U.S. Patent No. 4,887,256 to Nakayashiki et al. under 35 U.S.C. § 103.

Sha et al. teach a network process that automatically identifies and isolates the stations or group of stations within a token ring communication network by a process running on an agent that is remote from the beaconing token ring network. In particular, stations on the network are iteratively wrapped and unwrapped until the beaconing station can be determined and isolated from the network (see the abstract, for example).

Nakayashiki et al. disclose a communication system having first and second ring transmission lines for connecting a plurality of stations and for providing opposite signal transmission direction. If a first station, located just downstream of a failure point, sends out a beacon signal along the first transmission line while causing an intentional failure on the second transmission line on its downstream side, a failure occurs (see the abstract, for example).

Sha et al. fail to teach the deliberate production of a fault state. The network structure disclosed in Nakayashiki et al., however, differs significantly from both the structure disclosed in Sha et al. and the structure claimed in the instant application. In particular, the solution taught by Nakayashiki et al requires a

first and a second ring between interconnected nodes of a network in order to operate. For this reason alone, applicants believe that the fault state in Nakayashiki et al. does not lead one of ordinary skill in the art to make an obvious modification to Sha et al.

In addition, even if one of ordinary skill in the art were to try to somehow apply the fault state taught in Nakayashiki et al. to the system disclosed in Sha et al., he or she would:

add a second ring transmission line to the system of Sha et al. in order to signal a beacon token on the first ring transmission line in a first direction (col. 3, lines 33 to 41) and, concurrently, transmit a fault failure on the second ring transmission line in the opposite direction (col. 3, lines 10 to 17).

This, however, would not result in the invention defined in amended claim 1.

In particular, according to claim 1 a fault state is produced by an additional node, i. e. a node that is different from the disconnectable nodes monitored by the monitoring apparatus. That is, while the monitoring apparatus may detect an error caused by a connection or disconnection of an appliance to a first node, an error state is produced by the additional node, for example, a third node, of a data ring. One of the advantages such a data ring is that it does not require a second ring transmission line connecting the nodes of the data ring.

In addition, applicants believe that Nakayashiki et al. teach away from the claimed invention because they teach that the use of a special station, such as, a master station is inadvisable (see column 2, lines 48 to 50). In contrast to the specific teaching of Nakayashiki et al., claim 1 includes a monitoring apparatus and an additional node acting as such a master station.

Applicants believe another important factor is the fact that Nakayashiki et al. teach that competition among a plurality of stations in defining the active monitor is avoided when the reconfiguration of the network has been completed in accordance with its teaching (see column 3, lines 60 to 68). Applicants wish to point out that, in contrast to Nakayashiki et al., the claimed invention involves deliberately producing a fault state in order to activate a so-called loop initialization procedure. Further explanation of this can be found by referring to page 10, line 22 to page 11, line 1 of the originally filed application.

Applicants believe that a person of ordinary skill in the art could not and would not have combined the teachings of Sha et al. and Nakayashiki et al. in an obvious manner to obtain the claimed invention.

Under the heading "Claim Rejections – 35 USC § 103" on page 7 of the above-identified Office Action, claim 4 has been rejected as being obvious over U.S. Patent No. 5,508,998 to Sha et al. in view of U.S. Patent No. 4,887,256 to

Nakayashiki et al. and in view of U.S. Patent No. 6,574,192 to Engell under 35 U.S.C. § 103.

Applicants believe that claim 4 is patentable for the reasons given above with regard to claim 1.

Applicants appreciatively acknowledge(s) the Examiner's statement that claim 8 "would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Claim 10 has been added and includes most of the limitations of claim 8, the base claim, and the intervening claims. Claim 10 includes the limitation that said monitoring apparatus holds said disconnectable nodes in the data ring while producing said fault state in said disconnectable nodes. Applicants believe this feature combined with the other claim features renders the claim patentable.

Claims 11-16 have been patterned after other originally presented claims depending from claim 1.

The Examiner has stated that claim 9 would be allowable if rewritten to overcome the rejections under 35 USC § 112. Applicants appreciate the indication of allowability and believe claim 9 should now be allowable.

It is accordingly believed to be clear that none of the references, whether taken alone or in any combination, either show or suggest the features of claims 1, 9 or 10. Claims 1, 9 and 10 are, therefore, believed to be patentable over the art. The dependent claims are believed to be patentable as well because they all are ultimately dependent on claims 1 or 10.

In view of the foregoing, reconsideration and allowance of claims 1-16 are solicited.

In the event the Examiner should still find any of the claims to be unpatentable, counsel would appreciate receiving a telephone call so that, if possible, patentable language can be worked out.

Please charge any fees that might be due with respect to Sections 1.16 and 1.17 to the Deposit Account of Lerner Greenberg Stermer LLP, No. 12-1099.

Respectfully submitted,

/Laurence A. Greenberg/
Laurence A. Greenberg
(Reg. No. 29,308)

MPW/bb

August 30, 2007

Lerner Greenberg Stermer LLP
P.O. Box 2480
Hollywood, Florida 33022-2480
Tel.: (954) 925-1100
Fax: (954) 925-1101